

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of STEFON MARKEIS
CLAYBRON-INGRAM and YASMEN
DIAMOND CLAYBRON, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LATIFFANY SHERRON CLAYBRON,

Respondent-Appellant,

and

SHELDON INGRIM,

Respondent.

UNPUBLISHED
June 24, 2003

No. 243429
Wayne Circuit Court
Family Division
LC No. 00-394319

Before: Sawyer, P.J., and Meter and Schuette, JJ.

PER CURIAM.

Respondent Latiffany Claybron appeals as of right the order terminating her parental rights to her two children pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

I. FACTS

Respondent Latiffany Claybron appeals an order terminating parental rights to her two children, Yasmen, and Stefon. Respondent admitted to leaving her children with their grandmother and failing to provide medical or financial support for them. She also admitted to using marijuana on a daily basis and living in conditions unsuitable for children. Review hearings showed that respondent missed counseling appointments and parenting classes. Respondent continued to test positive for marijuana use and had angry outbursts at her children during visitation. Respondent testified that she would need a year to provide stable housing for her family.

II. TERMINATION OF PARENTAL RIGHTS

A. Standard of Review

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993). This Court reviews the trial court's finding of fact for clear error. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). A finding is clearly erroneous if, although there is evidence to support it, this Court on the entire record is left with a definite and firm conviction that a mistake has been made. *Id.* Regard is given to the special ability of the trial court to judge the credibility of the witnesses who appeared before it. *Id.*

B. Analysis

The petition alleged that respondent failed to rectify the conditions leading to the adjudication and failed to provide proper care and custody. MCL 712A.19b(3) provides for termination when:

(c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the following:

(i) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

* * *

(g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

There is clear and convincing evidence to support the termination of respondent's parental rights. Respondent clearly failed to comply with her treatment plan. She continued to smoke marijuana, failed to deal with her anger management problem and failed to secure suitable employment and housing. Respondent admitted that it would be a year before she could provide a stable home for the children. The court found that a year was not a reasonable time, given the ages of the children and the fact that they had already been in foster care for a year and one-half.

II. BEST INTERESTS OF THE CHILDREN

A. Standard of Review

Under MCL 712A.19b(3), the petitioner for the termination of parental rights bears the burden of proving at least one ground for termination. *In re Trejo Minors*, 462 Mich 341; 617 NW2d 407 (2000). Once the petitioner has presented clear and convincing evidence that

persuades the court that a ground for termination is established, termination of parental rights is mandatory unless the court finds that termination is clearly not in the child's best interests. *Id.* at 355-356. Decisions terminating parental rights are reviewed for clear error. *Id.* at 356.

B. Analysis

There is no evidence that termination was not in the best interests of the children. There was no testimony that the children would suffer greater harm from termination. Respondent admitted being unable to secure employment and reasonable housing. Moreover she could not control her angry outbursts. There was no evidence introduced that the children were attached to their mother and would suffer without her. Therefore the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ David H. Sawyer
/s/ Patrick M. Meter
/s/ Bill Schuette